

clm

UNITED STATES DISTRICT COURT

EASTERN

District of

NEW YORK

UNITED STATES OF AMERICA
V.
RICHARD KLEIN

JUDGMENT IN A CRIMINAL CASE

Case Number: CR05-00634 (CBA)

USM Number:

Alan Trachtman, Esq. (AUSA Charles Kleinberg)
Defendant's Attorney

THE DEFENDANT:

X pleaded guilty to count(s) 1 of Information

☐ pleaded nolo contendere to count(s) _____
which was accepted by the court.

☐ was found guilty on count(s) _____
after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.
★ AUG 21 2006 ★

P.M. _____
TIME A.M. _____

Title & Section

Nature of Offense

Offense Ended

Count

18:1349

Conspiracy to commit mail fraud, a Class C felony.

January 2004

The defendant is sentenced as provided in pages 2 through 5 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

☐ The defendant has been found not guilty on count(s) _____

Count(s) _____ is _____ are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

May 23, 2006

Date of Imposition of Judgment

/s/ Hon. Carol B. Amon

Signature of Judge

Carol Bagley Amon, U.S.D.J.

Name and Title of Judge

August 16, 2006

Date

DEFENDANT: RICHARD KLEIN
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SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of :
3 years

It is a special condition that the defendant serve 5 months under monitored home detention as directed by the USP.D.

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state, or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.

- ☐ The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)
- ☒ The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon.
- ☐ The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;

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CRIMINAL MONETARY PENALTIES

The defendant must pay the following total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
TOTALS	\$ 100.00	\$ 10,000.00	\$ 69,367.21

☐ The determination of restitution is deferred until _____. An Amended Judgment in a Criminal Case (AO 245C) will be entered after such determination.

☐ The defendant shall make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
See page 4a		\$69,367.21	15% of his net income. Payments are to commence after the service of his sentence.
			Payments are to be made to Clerk of Court, EDNY.

TOTALS \$ _____ \$ _____

☐ Restitution amount ordered pursuant to plea agreement \$ _____

☐ The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

☐ The court determined that the defendant does not have the ability to pay interest, and it is ordered that:

☐ the interest requirement is waived for ☐ fine ☐ restitution.

☐ the interest requirement for the ☐ fine ☐ restitution is modified as follows:

* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

Schedule 1

page 4a of 5

Server	Date	Debtor	Should Be	Reason
1 JK	11/22/2002	Caravello	2596.77	
2 AG	10/4/2002	Pagano	601.03	
3 JK	10/15/2002	Hall	565.27	
4 JK	10/16/2002	Goldman	424.42	Release for 326.31
5 JK	10/16/2002	Hoose	667.54	
6 JK	10/16/2002	Stanton UNITED BANK	0	Attny fee issue
7 AG	12/10/2002	Kane	2249.53	Uncollected 24.05
8 AG	12/10/2002	Banks	2079.82	
9 AG	1/1/2003	Redding	0	Attny fee issue
10 JK	11/22/2002	Nelba	1229.26	
11 JK	11/22/2003	Johnson	1271.7	
12 AG	11/6/2002	Miranda	297.11	
13 JK	11/22/2002	McGullen	1478.83	
14 JK	11/13/2002	Slotnick	149.33	130.12 Uncollected
15 AR	11/11/2002	Jones	1270.44	10693.40 Uncollected
16 AG	12/4/2002	Zeier	330.32	11301.95 Uncollected
17 JK	12/4/2002	Doe	923.66	21.34 Uncollected
18 JK	12/17/2002	Banks	2476.9	<i>See 8 for address</i>
19 JK	12/18/2002	Kelly	4841.98	14399.96 Uncollected
20 JK	12/19/2002	Defranco	303.18	
21 JK	12/22/2001	Mangano	1476.03	
22 JN	12/19/2002	Sanchez	1017.74	
23 JN	12/19/2002	Rockmaker	100	3977.46 Uncollected
24 JN	10/29/2002	Difillippo	1981.81	
25 JK	1/13/2003	Mauk	1551.73	675.14 Uncollected
26 AG	1/17/2003	Lin	13450.84	Attny fee issue
27 RR	1/7/2003	Crisp	17093.83	17093.83 collected, 1522.72 Uncollected
28 JK	1/8/2003	Fredman	1525.28	39.15 Uncollected
29 AG	1/7/2003	Harris	2379.83	
30 JK	12/4/2002	Johnson	0	Attny fee issue
31 JK	11/25/2002	O'Meara	2173.5	
32 JK	4/16/2002	Doe	2512.68	218.49 Uncollected
33 JK	12/31/2002	O'Neil	346.85	
		Liederman	0	Attny fee to be determined
		Total	69367.21	Plus Attny fees

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SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties shall be due as follows:

- A ☒ Lump sum payment of \$ 100.00 due immediately, balance due
- ☐ not later than _____, or
☐ in accordance with ☐ C, ☐ D, ☐ E, or ☐ F below; or
- B ☐ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☐ F below); or
- C ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after the date of this judgment; or
- D ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E ☐ Payment during the term of supervised release will commence within _____ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F ☒ Special instructions regarding the payment of criminal monetary penalties:
- The \$10,000.00 fine shall be paid within 30 days.

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during the period of imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

☐ Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Joint and Several Amount, and corresponding payee, if appropriate.

- ☐ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall pay the following court cost(s):
- ☐ The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.